

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WILLIAM H. PAYNE and
ARTHUR R. MORALES,

Plaintiffs,

v.

No. CIV 97-266 MCA/LFG

NATIONAL SECURITY AGENCY,

Defendant,

UNITED STATES OF AMERICA,

Garnishor,

and

SANDIA LABORATORY FEDERAL CREDIT
UNION AND ITS SUCCESSORS OR ASSIGNS
ATTENTION: LOSS PREVENTION,

Garnishee.

**ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS
AND RECOMMENDED DISPOSITION
AND ORDERS OF GARNISHMENT**

THIS MATTER is before the Court on the Magistrate Judge's Findings and Recommended Disposition filed March 27, 2008 [Doc. 150]. In the Findings and Recommended Disposition, the Magistrate Judge recommended that the United States' objections to Payne's and Morales' purported claims of exemption be sustained, that neither Payne nor Morales filed a timely answer or carried his burden of proof to demonstrate applicability of any exemption, and that any purported claims of exemption raised by Payne or Morales be denied. In addition, the Magistrate Judge recommended that this Court authorize issuance of Orders of Garnishment of the funds sought by

the United States. Neither Payne nor Morales filed objections to the Magistrate Judge's findings and recommendation, and the deadline for doing so has passed.

The Court accepts the findings and recommended disposition.

IT IS HEREBY ORDERED that the findings and recommended disposition of the United States Magistrate Judge are adopted by the Court.

IT IS FURTHER ORDERED that:

(1) the United States' objections to Payne's and Morales' purported claims of exemption are sustained;

(2) Payne's and Morales' answers are deemed untimely;

(3) Payne and Morales failed to carry their burden of proof to demonstrate a valid exemption; and

(4) any and all purported exemptions raised by Payne or Morales are denied.

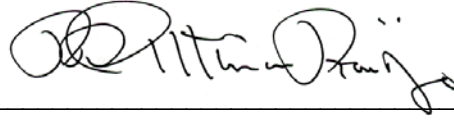
IT IS FURTHER ORDERED that:

(5) Garnishee Sandia Laboratory Federal Credit Union ("SLFCU") pay the sum of \$11,018.00 of Plaintiff William H. Payne's credit union accounts to Garnishor. Upon said payment, SLFCU will be released from its obligation in this matter; and

(6) Garnishee SLFCU pay the sum of \$11,018.00 of Arthur R. Morales's credit union accounts to Garnishor. Upon said payment, SLFCU will be released from its obligation in this matter.¹

¹Both checks should be made payable to the United States Department of Justice and mailed to: United States Department of Justice, P.O. Box 70932, Charlotte, North Carolina 28272-0932. For tracking purposes in the Garnishor's accounting system, please print the CDCS number 2007A61842 on the front of the payment instruments.

SO ORDERED this 11th day of July, 2008, in Albuquerque, New Mexico.

A handwritten signature in black ink, appearing to read "M. Christina Armiño", written over a horizontal line.

M. CHRISTINA ARMIJO
United States District Judge